

AN ORDINANCE

01-0 -1345

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

**AN ORDINANCE TO CREATE THE PARK PLACE SOUTH HOUSING ENTERPRISE ZONE; AND
FOR OTHER PURPOSES**

WHEREAS, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS, designation of a Housing Enterprise Zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property exempted by the City; and

WHEREAS, types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS, State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS, the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS, it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for housing construction and job creation purposes; and

WHEREAS, the conditions and qualifications of the Atlanta Urban Enterprise Zone Act, as amended, have been met relative to the creation of The Park Place South Housing Enterprise Zone;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS
FOLLOWS:**

Section 1: It is found by the Council of the City of Atlanta that the area in and around the Pryor Road and Amal Drive area, location of the Park Place South Housing Enterprise Zone is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare and morals. It is further found that these areas, as is the case with the Park Place and Amal Drive area are characterized by no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically and socially depressed areas designated herein as urban enterprise zones.

Section 2: The Park Place South Housing Enterprise Zone is hereby created. The effective date of all exemptions established therein shall be January 1, 2002. The Park Place South Housing Enterprise Zone shall be expired on December 31, 2011. The Park Place South Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of The Park Place South Housing Enterprise Zone is attached hereto as "Exhibit A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

Section 4: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of The Park Place South Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

Section 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Exhibit A

Proposed Park Place South
Housing Enterprise Zone

Legal Description

①

Tract South of New South Pryor Road

All that tract or parcel of land lying and being in Land Lot 72 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point being the intersection of the southerly Right-of-Way of New South Pryor Road (50' R/W) and the southwesterly Right-of-Way of Amal Drive (50' R/W) [the preceding roads intersect twice, this being the most easterly intersection]; thence along said Right-of-Way of Amal Drive the following bearings and distances: South 28° 12' 42" East a distance of 361.02 feet to a point; thence along a curve to the right an arc distance of 254.20 feet (said curve having a radius of 184.02 feet; a chord distance of 234.47 feet and a chord bearing of South 11° 20' 34" West) to a point; thence along a curve to the right an arc distance of 245.71 feet (said curve having a radius of 282.44 feet; a chord distance of 238.03 feet and a chord bearing of South 75° 56' 06" West) to a point; thence along a curve to the right an arc distance of 338.47 feet (said curve having a radius of 381.25 feet; a chord distance of 327.46 feet and a chord bearing of North 53° 42' 37" West) to a point; thence North 28° 16' 39" West a distance of 187.63 feet to a point intersecting the southerly Right-of-Way of aforementioned New South Pryor Road [this being the most westerly intersection]; thence along said Right-of-Way of New South Pryor Road and running North 61° 44' 28" East a distance of 521.31 feet to the **POINT OF BEGINNING**. Said tract containing 5.788 acres.

Exhibit A

Proposed Park Place South
Housing Enterprise Zone

Legal Description

Tract North of New South Pryor Road

(2)

All that tract or parcel of land lying and being in Land Lot 72 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point being the intersection of the northerly Right-of-Way of New South Pryor Road (50' R/W) and the southwesterly Right-of-Way of Amal Drive (50' R/W) [the preceding roads intersect twice, this being the most easterly intersection]; thence along said Right-of-Way of New South Pryor Road and running South 61° 44' 28" West a distance of 521.37 feet to a point intersecting the northeasterly Right-of-Way of aforementioned Amal Drive [this being the most westerly intersection]; thence along said Right-of-Way the following bearings and distances: North 28° 16' 39" West a distance of 115.49 feet to a point; thence along a curve to the left an arc distance of 102.33 feet (said curve having a radius of 235.51 feet; a chord distance of 101.53 feet and a chord bearing of North 40° 43' 31" West) to a point; thence leaving said Right-of-Way of Amal Drive and running North 62° 29' 55" East a distance of 163.03 feet to a point; thence North 16° 39' 31" East a distance of 88.42 feet to a point; thence North 62° 14' 48" East a distance of 126.14 feet to a point; thence South 74° 35' 16" East a distance of 154.86 feet to a point; thence North 62° 34' 56" East a distance of 71.27 feet to a point on the southwesterly Right-of-Way of aforementioned Amal Drive; thence along said Right-of-Way the following bearings and distances: along a curve to the right an arc distance of 114.06 feet (said curve having a radius of 797.42 feet; a chord distance of 113.96 feet and a chord bearing of South 32° 18' 33" East) to a point; thence South 28° 12' 42" East a distance of 52.61 feet to the **POINT OF BEGINNING**. Said tract containing 2.720 acres.

Exhibit A

Proposed Peaks Park Place South
Housing Enterprise Zone

Legal Description

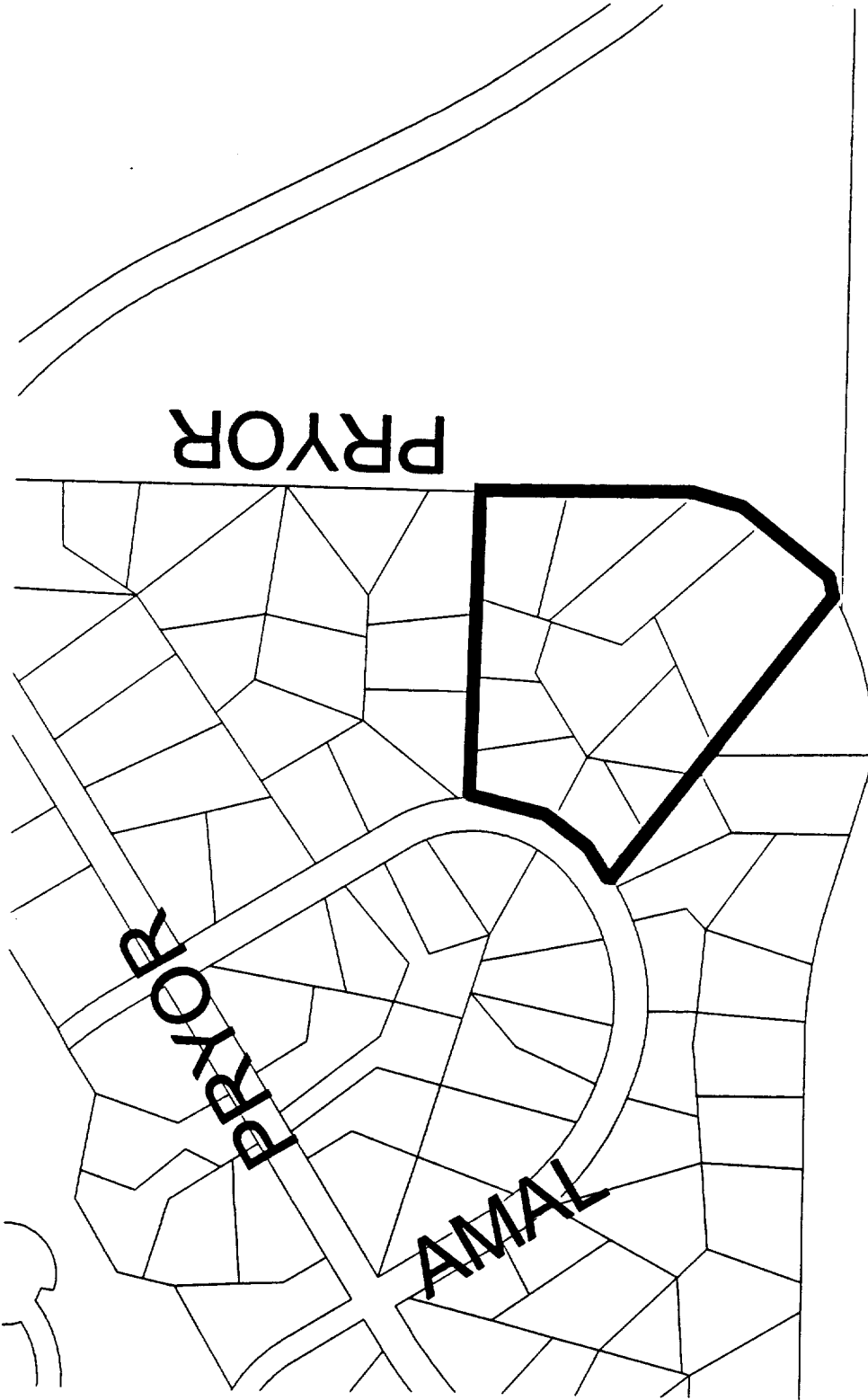
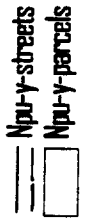
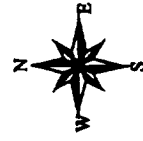
All that tract or parcel of land lying and being in Land Lot 72 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

To reach the true point of beginning, commence at a point being the intersection of the southeasterly Right-of-Way of New South Pryor Road (50' R/W) and the northeasterly Right-of-Way of Amal Drive (50' R/W); thence along said Right-of-Way of Amal Drive the following bearings and distances: South 28° 12' 42" East a distance of 361.06 feet to a point; thence along a curve to the right an arc distance of 13.94 feet (said curve having a radius of 234.02 feet; a chord distance of 13.94 feet and a chord bearing of South 26° 31' 13" East) to a point being the TRUE POINT OF BEGINNING, from point thus established and leaving said Right-of-Way of Amal Drive and running thence North 61° 44' 28" East a distance of 559.24 feet to a point; thence South 04° 05' 20" West a distance of 688.05 feet to a point; thence North 61° 21' 37" West a distance of 539.98 feet to a point on the southeasterly Right-of-Way of aforementioned Amal Drive; thence along said Right-of-Way along a curve to the left an arc distance of 309.40 feet (said curve having a radius of 234.02 feet; a chord distance of 287.35 feet and a chord bearing of North 13° 03' 42" East) to the true POINT OF BEGINNING. Said tract containing 6.00 acres.

(3)

Exhibit B
Project Location Map

Proposed Park Place South
Housing Enterprise Zone



PARK PLACE SOUTH



Exhibit C
Acknowledgement Letter

Proposed Park Place South
Housing Enterprise Zone

CITY OF ATLANTA

DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION
68 MITCHELL STREET, S.W. SUITE 3350 • ATLANTA, GEORGIA 30335-0308
404-330-6145 • FAX: 404-658-7491

BILL CAMPBELL
MAYOR

MICHAEL A. DOBBINS
Commissioner

TIM POLK
Deputy Commissioner

ROBERT C. GRAY
Director

Bureau of Planning

July 2, 2001

Ronald G. Keller
Atlanta Development Authority
Lakewood Partners, LLC
86 Pryor Street, Suite 300
Atlanta, GA 30303

Dear Mr. Keller:

We have received your application for designation of Park Place South homes as a Housing Enterprise Zone. Our staff is currently reviewing the application with regard to the City's criteria for urban enterprise zone designation.

We have scheduled a presentation of the application to Neighborhood Planning Unit Y on Wednesday, July 16, 2001 at 7:00 p.m. at the John Birdine Facility, located at 215 Lakewood Way, SW. The chair of NPU – Y is Mr. Paul McMurray, he can be reached at (770) 842-3358. Please be present at the NPU – Y meeting to briefly present your proposal and to answer any questions regarding your application.

Additionally, the Community Development and Human Resources Committee of the Atlanta City Council will hold a public hearing on your application on Tuesday, September 25, 2001 at 6:00 p.m. in the Council Chambers at City Hall. Please be present at the hearing to briefly present your proposal and to answer any questions regarding this application.

Should you require any further information, please contact Sara Wade Hicks at (404) 330-6728 or Valerie Bell-Smith at (404) 330-6899.

Sincerely,

Robert Gray
Robert Gray

cc: Michael A. Dobbins, Commissioner
Tim Polk, Deputy Commissioner
Sara Wade Hicks, Assistant Director
Susan Rutherford, NPU-Y Planner

RG/vbs

**Exhibit D
Evaluation Checklist**

Proposed Park Place South
Housing Enterprise Zone

**EVALUATION OF PROPOSED PARK PLACE SOUTH
HOUSING ENTERPRISE ZONE**

Criterion	Required	Proposed	Compliance
1. Eligibility Criteria a. Evidence of Pervasive Poverty b. Unemployment c. General Distress (High Crime or Vacant/Abandoned Buildings) d. Underdevelopment	Area must meet 3 out of 4 Criteria a. Poverty rate of $\geq 20\%$ b. Census tract job loss $\geq 10\%$ of State Average <u>4.0</u> c. High Crime or Vacant/Abandoned Buildings d. Lack of development activity $< 20\%$ for NPU as compared to the city as a whole	a. Poverty rate of $> 30\%$ for CT 67 BG 7 b. Vacant/Abandoned Buildings c. -18% Residential Building Permits for NPU-Y	√
2. Acreage	NONE	37.676 acres	√
3. CDP Consistency	Low Density Residential 9-16 Units per Acre F.A.R. = 0.0 - .349	Medium Density Residential 9 Units per Acre F.A.R. = .392	Needs CDP Amendment
4. Zoning Compliance	RG-2-C	RG-3	√
5. Project Specificity	Project Specific Zone or $\geq 50\%$ of Areawide Zone	Project Specific Zone	√
6. Project Readiness	$\geq 30\%$ of Units to be Initiated in Year 1	$\geq 30\%$ in first year	√
7. Non-Displacement	Minimum Displacement	None	√
8. Affordability (Housing and Mixed-Use Residential/Commercial Enterprise Zones)	20% of total units and 10% of each housing type is affordable to households whose income does not exceed 60% of the median for the Atlanta MSA (low income). 20% must bear monthly rents $\leq 30\%$ of low income level, adjusted by family size. 20% must bear purchase prices $\leq \$120,340$ or 2.2 median income for the Atlanta MSA.	<u>% of Affordable to Low-Moderate Households</u> Condominiums 100% Senior Housing 80% Townhomes 20%	√
9. Provision for Atlanta police officers and their families (Housing and Mixed-Use Residential/Commercial Enterprise Zones)	5% of available units to be offered to Atlanta police officers and their families at purchase prices or monthly rents which do not exceed the low-income level of affordability	Proposes to comply	√
10. Financial Feasibility	<u>sales</u> - affordable units $\geq 20\%$ of total without exemption, or <u>rental</u> (cumulative basis over the 1 st five years) - a. negative cash flow, or b. debt coverage ratio < 1.20 , or c. a variable-ratio DCR equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified	Sales - $< 20\%$ would be affordable without the tax abatement Senior Citizen Rental - negative cash flow, or debt coverage ratio < 1.20	TBD

Exhibit E

2001 HUD Income Limits/Affordability

FAMILY SIZE (% OF BASE)	INCOME ADJUSTMENT	LIVING ACOMODATIONS EXPENSES (<30%)	MAXIMUM RENTS
1 PERSON (70%)	\$27,930.00	\$8,379	\$698
2 PERSON (80%)	\$31,920.00	\$9,576	\$798
3 PERSON (90%)	\$35,910.00	\$10,773	\$898
4 PERSONS - BASE	\$39,900.00	\$11,970	\$998
5 PERSONS (108%)	\$43,092.00	\$12,928	\$1,077
6 PERSONS (116%)	\$46,284.00	\$13,885	\$1,157
7 PERSONS (124%)	\$49,476.00	\$14,843	\$1,237
8 PERSONS (132%)	\$52,668.00	\$15,800	\$1,317
Maximum Sales Price \$146,300 (2.2 Rule / 2.2 times the Median Income)			
ASSUMPTIONS: Median Income \$66,500 - SMSA Rent Range is Determined by the Number of Rooms Per Unit and the Atlanta Housing Code Maximum Allowable Persons per Room - 2; A Two-Bedroom Apartment Unit Could Not House More Than a Four Person Household.			

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon

(For review & distribution to Executive Management)

Commissioner Signature

[Signature]
Department of Planning

Director Signature

[Signature]
Bureau of Planning

From: Department of Planning, Development
Neighborhood Conservation

Contact: Robert Gray

Committee(s) of Purview: Community Development / Human Resources

Committee Meeting Date (s) 9/12 CD, 9/25 Public Hearing
9/26 CD

Committee Deadline 8/31

City Council Meeting Date 9/17 & 10/1

CAPTION:

AN ORDINANCE TO CREATE THE PARK PLACE SOUTH HOUSING ENTERPRISE ZONE; AND FOR OTHER PURPOSES

BACKGROUND/PURPOSE/DISCUSSION:

Lakewood Partners, LLC, a partnership formed by the Atlanta Development Authority, seeks to construct a mixed-income development consisting of 100 senior citizen rental units; 434 for-sale units comprised of townhouses, condominiums, and single-family units; and a community center. The proposed development is to be located in Neighborhood Planning Unit Y, Council District 12, and is part of the Southside Redevelopment Plan area. Total development cost is estimated to be \$60.1 million. The project will be developed in 9 or 10 phases over the next 4 to 6 years.

FINANCIAL IMPACT (if any):

The Department of Finance is conducting a fiscal impact analysis for the proposed zone.

Mayor's Staff Only

Received by Mayor's Office:

8/28/01
Date

Reviewed:

[Signature]
Initials

Date

Submitted to Council

Date

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended
☐ Substitute ☐ Referred ☐ Other